

**OFFICE OF THE COMMISSIONER / APPELLATE AUTHORITY  
DEPARTMENT OF FOOD SUPPLIES AND CONSUMERS AFFAIRS  
GOVT. OF NCT OF DELHI,  
ROOM No.101, 1<sup>ST</sup> FLOOR, K-BLOCK, VIKAS BHAWAN, I.P. ESTATE,  
NEW DELHI-110002**

No.PA/COMM./AA/FPS Appeal/F&S/2019/ 110-112

Dated: 26.06.2020

**APPEAL NO. 39/2019**

In the matter of:

M/s. Goyal & Company,  
FPS No. 6871, Circle-61(Gandhi Nagar)  
Shri Vinod Kumar Goyal

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Appellant

V/s

The Assistant Commissioner (East)  
Deptt. of Food Supplies & Consumer Affairs,  
Delhi.

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Respondent

<b><u>ORDER</u></b>
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The instant appeal has been filed by Sh. Vinod Kumar Goyal, Proprietor of FPS No. 6871 M/s Goyal & Company, located in Circle 61, Gandhi Nagar of District East, under Clause 6 of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order dated 09.01.2019 passed by Assistant Commissioner (East).

The case was called and both the parties were heard at length.

The Appellant submitted that he had been running FPS No. 6871 in Circle-61 (Gandhi Nagar) since 1985. The License of his FPS was cancelled vide Order dated: 09.01.2019 of the Assistant Commissioner (East). The Appellant stated that the Order passed by the Assistant Commissioner (East) is erroneous. The Appellant was getting less allocation of food articles because of which the consumer card holders had started fighting and threatening the Appellant and so he did not submit the draft for the SFAs for the month of October, 2018 as a result he was left with no money to pay the rent of the shop to the landlord that is why the landlord told him to vacate the shop. Thereafter, he started finding another shop in the locality which could satisfy the parameter for FPS but it was not available in the locality. Now, he has found another shop which is suitable for running an FPS. He had submitted his reply in the Office of Assistant Commissioner (East) who has erred in observing that the FPS holder is a continuous defaulter.

The Respondent, Assistant Commissioner (East) submitted that the License of the FPS was cancelled after following due procedure. As per report of FSO, Circle-61, the above FPS Licensee did not submit the draft of SFAs for the month of October, 2018 and vacated his shop as per information given by Landlord of the FPS. Accordingly, a Show Cause Notice was issued to the Licensee on 27.09.2018 to appear in person on 03.10.2018 for not depositing the draft for the SFAs for the month of October, 2018. However, the Licensee did not appear on the said day. Thereafter, a Suspension-cum-Show Cause Notice was issued on 15.10.2018 vide which the FPS was suspended and the Appellant was directed to appear before the Assistant Commissioner (East) on 22.10.2018 to explain as to why the License should not be cancelled. The Appellant again failed to appear. A letter dated: 27.11.2018 was received from the Appellant as reply of the Suspension-cum-Show Cause Notice which was considered by the Licensing Authority. In the above letter, the Appellant has raised the



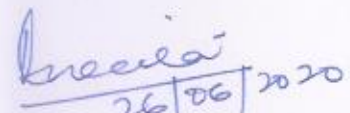
issue of reduced allocation of food grains. The Allocation for every month is issued after adjusting the closing balance. Short/less allocation cannot be taken as ground for non-deposition of due cost of SFAs. Reasonable opportunity was given to the Licensee to present his case and the reply submitted by the Licensee was also considered. Accordingly, the License was cancelled vide Order dated 09.01.2019. It was also stated by the Respondent that the FPS has a history of defaults and was suspended earlier on 15.01.2018 which was subsequently revoked on 01.02.2018.

As per the allocation cycle under TPDS, the payment for food grains by FPS to be distributed in the month of October, 2018 is scheduled in the month of August, 2018 to enable timely payment to FCI and further lifting of food grains during the month of September, 2018. Data of allocation and delivery of food grains to the above FPS in August and September, 2018 as reflected in the NFS Portal were obtained from the IT Branch and it was seen that the entire quantity of food grains allocated to the Fair Price Shop on the basis of cards linked to the FPS had been delivered. Therefore, there was no shortage in delivery as contended by the Appellant.

After hearing contentions of both parties, examining their written submissions and perusing other relevant records placed before me, it is noted that as per the terms and conditions of the License, the Fair Price Shop holder is responsible for carrying out retail sale of Specified Food Articles in accordance with the directions and instructions issued from time to time regarding purchase, sale and storage of Specified Food Articles. The Licensee willfully stopped making the payments for SFAs and subsequently closed down the FPS on the plea of reduced allocation, which is not acceptable. As per data available on NFS Portal provided by SSA (IT), the entire quantity of food grains allocated to the Fair Price Shop in accordance with cards linked to the FPS in August and September, 2018 had been delivered. The Licensee by abruptly discontinuing the operation of the FPS without prior intimation to the Department caused inconvenience to the beneficiaries by way of disruption of SFA distribution. The Licensee thus acted in an irresponsible manner and violated terms and conditions of the License. Therefore, I do not see any reason to modify or set aside the Order passed by the Licensing Authority in the matter.

The appeal is accordingly disposed of.

Parties be informed accordingly.

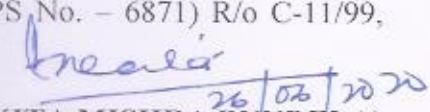
  
(ANKITA MISHRA BUNDELA)  
COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM./AA/FPS Appeal/F&S/2019/110-112

Dated: 26.06.2020

Copy to :-

1. The Assistant Commissioner (East), F&S Department GNCT of Delhi
2. Sh. Vinod Kumar Goyal Prop. of M/s Goyal & Company (FPS No. - 6871) through Assistant Commissioner (East).
3. Sh. Vinod Kumar Goyal Prop. of M/s Goyal & Company (FPS No. - 6871) R/o C-11/99, Ground Floor, Yamuna Vihar, Delhi.

  
(ANKITA MISHRA BUNDELA)  
COMMISSIONER (F&S)/APPELLATE AUTHORITY